

CHAPTER 1016

COMPENSATION FOR INDIGENT DEFENSE

S.F. 2090

AN ACT relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 822.5, subsection 2, Code 1997, is amended to read as follows:

2. If an applicant confined in a state institution seeks relief under section 822.2, subsection 6, and the court finds in favor of the applicant, or when relief is denied and costs and expenses referred to in subsection 1 cannot be collected from the applicant, these costs and expenses initially shall be paid by the county in which the application was filed state public defender from the indigent defense fund in accordance with the procedures applicable in section 815.7. ~~The facts of payment and the proceedings on which it is based, with a statement of the amount of costs and expenses incurred, shall be submitted to the county in a timely manner with approval in writing by the presiding or district judge appended to the statement or endorsed on it, and shall be certified by the clerk of the district court under seal to the state executive council. The executive council shall review the proceedings and authorize reimbursement for the costs and expenses or for that part which the executive council finds justified, and shall notify the director of revenue and finance to draw a warrant to the county treasurer on the state general fund for the amount authorized.~~

Sec. 2. REIMBURSEMENT TO COUNTIES. Counties which paid claims to attorneys pursuant to court order under section 822.5, subsection 2, prior to the effective date of this Act, but which were not fully reimbursed by the executive council, may file claims with the state appeal board pursuant to chapter 25 for any difference between the amount paid pursuant to court order and the amount reimbursed by the executive council. The state appeal board shall reimburse the counties for any amount paid pursuant to court order and not fully reimbursed by the executive council.

Sec. 3. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to any claims for costs and expenses which are or were approved by a presiding or district judge on or before the effective date of this Act.

Approved March 31, 1998

CHAPTER 1017

STATE RECORDS MANAGEMENT

S.F. 2183

AN ACT relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 7E.5, subsection 1, paragraphs c and m, Code 1997, are amended to read as follows: